



**CITY COUNCIL
ATLANTA, GEORGIA**

AN ORDINANCE

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

02-0-0324

AN ORDINANCE AUTHORIZING THE SETTLEMENT OF THE CLAIM OF SUSAN CHANA ELLIOTT IN AN AMOUNT NOT TO EXCEED \$3,115.80; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT AMOUNT; TO WAIVE CITY OF ATLANTA CODE OF ORDINANCES SECTIONS 2-4 AND 2-783 FOR THIS INSTANCE ONLY; AND FOR OTHER PURPOSES.

WHEREAS, SUSAN CHANA ELLIOTT has filed a claim against the City of Atlanta seeking reimbursement for damages sustained to her vehicle; and

WHEREAS, Susan Chana Elliott allege that she has suffered financial losses for vehicular damage due to an automobile collision between her vehicle and a sanitation vehicle; and

WHEREAS, Darren Welch, while on duty as a driver of a sanitation vehicle for the City of Atlanta, and while operating a vehicle owned by the City of Atlanta, was ticketed for and subsequently plead Nolo Contendere to the traffic charge of "improper backing" which precipitated the collision with Claimant's vehicle; and

WHEREAS, the Claimant has agreed to accept \$3,115.80 as full settlement of all claims against the City of Atlanta and/or its agents; and

WHEREAS, the City Attorney has done an extensive review of the facts and the law and has determined that the City's potential financial exposure in defending this claim is in excess of the settlement amount; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to resolve this matter and recommends that the City pay the amount of \$3,115.80 to settle all claims,



NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1. The City Attorney is hereby authorized to settle the claim of SUSAN CHANA ELLIOTT for an amount not to exceed Three Thousand One Hundred Fifteen Dollars and 80/100s (\$3,115.80).

SECTION 2. The Chief Financial Officer is authorized to pay a total amount not to exceed \$3,115.80 to Claimant from Account No. 1A01-529017-T31001.

SECTION 3. To the extent that Sections 2-4 and 2-783 of the Code of Ordinances of the City of Atlanta are in conflict herewith, those sections or subsections are waived for this instance only.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

MAR 18, 2002
MAR 26, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0098

Date: February 15, 2002

Claimant /Victim SUSAN CHANA ELLIOTT
BY: (Atty) (Ins. Co.) _____
Address: 1420 McPherson Avenue, Atlanta, Georgia 30316
Subrogation: Claim for Property damage \$ 3,519.95 Bodily Injury \$ _____
Date of Notice: 1/23/02 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/21/01 Place: Monument Avenue, SE & McPherson Avenue, SE
Department PUBLIC WORKS Division Solid Waste Services
Employee involved Catherine Denton Disciplinary Action: None

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was backed into by a city sanitation vehicle. The City employee was cited for "improper backing".

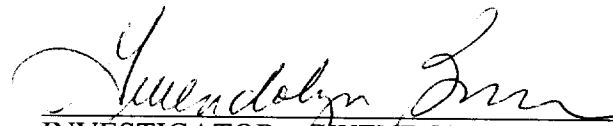
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report X Other _____
Traffic citations issued: City Driver X Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

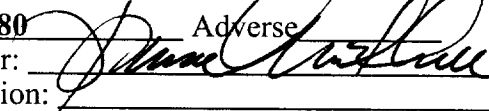
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement X
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 3,115.80 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 02 15 02
Committee Action: _____ Council Action _____

RCS# 3628
3/18/02
3:49 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs 1-13; Except 02-O-0167; 02-O-0458

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 11
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	N Boazman	NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-O-0167
02-O-0458

CORRECTED COPY

CONSENT I

03/18/02 Council Meeting

**ITEMS ADOPTED
ON CONSENT
AGENDA**

1. 02-O-0361
2. 02-O-0456
3. 02-O-0465
4. 02-O-0466
5. 02-O-0468
6. 02-O-0469
7. 02-O-0335
8. 02-O-0336
9. 02-O-0462
10. 02-O-0342
11. 02-O-0378
12. 02-O-0251
13. 02-O-0324
14. 02-O-0346
15. 02-O-0254
16. 02-O-0352
17. 02-R-0165
18. 02-R-0382
19. 02-R-0407
20. 02-R-0483
21. 02-R-0484
22. 02-R-0194
23. 02-R-0482
24. 02-R-0252
25. 02-R-0388
26. 02-R-0391
27. 02-R-0409

**ITEMS ADOPTED
ON CONSENT
AGENDA**

28. 02-R-0446
29. 02-R-0448
30. 02-R-0449
31. 02-R-0472
32. 02-R-0395
33. 02-R-0406
34. 02-R-0412
35. 02-R-0413
36. 02-R-0414
37. 02-R-0415
38. 02-R-0416
39. 02-R-0417
40. 02-R-0418
41. 02-R-0419
42. 02-R-0420
43. 02-R-0421
44. 02-R-0422
45. 02-R-0423
46. 02-R-0447

**ITEMS ADVERSE
ON CONSENT
AGENDA**

47. 02-R-0410
48. 02-R-0411
49. 02-R-0424
50. 02-R-0425
51. 02-R-0426
52. 02-R-0427
53. 02-R-0428
54. 02-R-0429
55. 02-R-0430
56. 02-R-0431
57. 02-R-0432
58. 02-R-0433
59. 02-R-0434
60. 02-R-0435
61. 02-R-0436
62. 02-R-0437
63. 02-R-0438
64. 02-R-0439
65. 02-R-0440
66. 02-R-0441
67. 02-R-0442
68. 02-R-0443
69. 02-R-0444
70. 02-R-0445

02-0324

(Do Not Write Above This Line)

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By:

Robert N. Godfrey

Deputy City Attorney

ADOPTED BY

- ☒ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

MAR 18 2002

COUNCIL

Date Referred

3/4/02

Referred To:

Public Safety & Legal Administration

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred to

PSLA
2/26/02
[Signature]

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED

MAR 18 2002

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED

MAR 18 2002

[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

MAR 26 2002

[Signature]